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7 UNITED STATES DISTRICT COURT
8 WESTERN DISTRICT OF WASHINGTON
9 AT SEATTLE

10 UNITED STATES OF AMERICA,

11 Plaintiff,

12 v.

13 JOSEPH L. GARCIA,

14 Defendant.

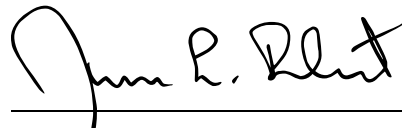
CASE NO. CR13-0071JLR

ORDER ON REQUEST FOR
JUDICIAL RECOMMENDATION

15 Before the court is pro se Defendant Joseph L. Garcia's request for a judicial
16 recommendation regarding his halfway house placement. (Request (Dkt. # 205).) Mr.
17 Garcia asks the court to recommend to the Bureau of Prisons ("BOP") that it allow him to
18 serve up to twelve months in a halfway house rather than the 121 to 151 days that the
19 BOP has determined is appropriate in his case. (*See id.*) He explains that he believes that
20 more time in a halfway house will give him the opportunity to "get into a program and
21 routine" and that he is "truly trying to succeed" after his release and not return to prison
22 as he has in the past. (*Id.*)

1 The Supreme Court has made clear that “[w]hen a court sentences a federal
2 offender, the BOP has plenary control, subject to statutory constraints, over ‘the place of
3 the prisoner’s imprisonment,’ and the treatment programs (if any) in which he may
4 participate.” *Tapia v. United States*, 564 U.S. 319, 331 (2011). The sentencing judge can
5 make a judicial recommendation to the BOP but ultimately, “decisionmaking authority
6 rests with the BOP.” *Id.* Accordingly, pursuant to its discretionary authority to make a
7 non-binding recommendation to the BOP, *see United States v. Ceballos*, 671 F.3d 852,
8 856 n.2 (9th Cir. 2011), the court RECOMMENDS to the BOP that it place Mr. Garcia in
9 a halfway house for a period of six months.

10 Dated this 10th day of November, 2021.

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13 JAMES L. ROBART
14 United States District Judge
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